

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PABLO FERNANDEZ,

Petitioner,

-against-

CHRISTOPHER ARTUZ and CHARLES
GREINER

Respondents.
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:
: 00 cv 7601(KMW)
: ORDER

WOOD, U.S.D.J.:


Petitioner Pablo Fernandez seeks a writ of habeas corpus to challenge his June 21, 1996 conviction of second degree murder and sentence of twenty five years to life imprisonment. By order dated September 7, 2006, the Court granted Petitioner's motion to (1) stay the exhausted claims in his Petition; (2) dismiss without prejudice Petitioner's unexhausted Brady v. Maryland claim to allow for exhaustion of this claim in state court; and (3) within 30 days of state court exhaustion, file an amended petition to reflect the outcome of the Brady claim. Petitioner's Brady claim is currently pending before New York State court.

There has been no action in this case for more than twelve months, and the Court concludes there is no reason to maintain this action as open for statistical purposes at this time. Accordingly, this action is ADMINISTRATIVELY CLOSED. The Clerk of the Court is instructed to complete a JS-6 closing report for this case.

This order shall not be considered a dismissal or disposition of this matter, and should further proceedings become necessary or desirable, any party may initiate it in the same manner as if this order had not been entered.

SO ORDERED

Dated: New York, New York
January 31, 2008



Kimba M. Wood
United States District Judge